IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1063 (SS) OF 2004

Rohit Chandra Pandey,
Aged about 42 years,
S/o Shri Ishwari Datt Pandey,
R/o Village Ghingarookote, P.O. Sangon,
Tehsil-Patti, District-Champawat,
Work Agent, Provincial Division,
Public Works Department, Champawat,
District-Champawat. .....Petitioner.

Versus

1. State of Uttaranchal,
   through Secretary Public Works Department,
   Government of Uttaranchal, Dehradun.
2. Chief Engineer, Level-1,
   Uttaranchal Public Works Department,
   Dehradun. .....Respondents.

Dated: 07.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Mohan Chandra Pande, Advocate for the petitioner and Standing Counsel for the respondents no. 1 and 2.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to give the appointment to the petitioner on the post of Draftsman in the Provincial Division of Public Works Department, Champawat, District Champawat.

3. Briefly stated, according to the petitioner, he is a diploma holder from Industrial Training Institute run and managed by the Labour Department of the Government of Uttar Pradesh. He was initially appointed as Tracer in the Public Works Department, Pithoragarh on daily wage basis vide letter No. 2487 Vyakha/21 E.V. – 12 /89 dated 01.04.1989. After the continuous period of one year in service, on the post of Tracer till 1995, he was given experience certificate by the concerned Executive Engineers, Temporary Division, Public Works Department, Champawat, Pithoragrah on 20.05.1992 and 02.11.1995.

4. However, the post of Tracer was abolished in the year, 1996 and after the aforesaid abolition of the post of Tracer, the designation of the petitioner was changed to Work-Agent on the daily wage basis. On the information required by the Superintending Engineer, 12th Circle, P.W.D, Pithoragarh, the information was sent and the name of the petitioner was mentioned as will appear from Annexures-13 and 15 to the Writ Petition. Relevant portions are quoted below:-

''श्री रोहित चन्द्र पाण्डेय इस खण्ड में दि0 20.2.89 से दैनिक वेतन पर ट्रेसर के पद पर कार्यरत थे, परन्तु ट्रेसर का पद विलुप्त हो जाने के फलस्वरूप इनका पद परिवर्तन दि0 1.1.98 को वर्क एजेन्ट के पद पर कर दिया गया। दि0 27.11.2001 को इनकी नियुक्ति कार्यप्रभारित अधि ठान में कर दी गयी है। से खण्ड में मानचित्रकार के रिक्त पद का समस्त कार्य इनके द्वारा सत्य नि ठा से किया जा रहा है। इनका कार्य सन्तोश जनक है। अतः इनके मानचित्रकार के पद पर नियुक्ति हेतु प्रबल संस्तुति की जाती है।

श्री रोहित चन्द्र पाण्डेय इस खण्ड में ट्रेसर के पद पर 20. 2.89 से 31.12.89 तक दैनिक वेतन पर कार्य करते रहे। ट्रेसर का पद विलुप्त हो जाने के फलस्वरूप इनका पद परिवर्तन वर्क एजेन्ट के पद पर कर दिया गया है। तथा वर्तमान में इनकी नियुक्ति वर्कचार्ज–में–वर्कएजेन्ट के पद पर की गयी है।

प्रन्तु श्री रोहित चन्द्र पाण्डेय व र्ा 20.2.89 से लगातार मानचित्रकार के रिक्त पद का सत्यनिश्ठा से समस्त कार्य करते है। इनका कार्य सन्तोश जनक है।

अतः इनके मानचित्रकार के पद पर नियमित नियुक्ति हेतु प्रबल संस्तुति की जाती है।

5. The grievance of the petitioner is that although even after the aforesaid information, the Draftsman has been appointed not amongst the petitioner, but from outsiders and the petitioner has been denied the appointment on the post of Draftsman.

6. According to the petitioner, he has moved the application on 10th June, 2003 before the Executive Engineer Provincial Division, Public Works Department, Champwat as well as on 12th May, 2003 before the respondent no. 21 through proper channel The said applications have not yet been disposed of.

7. However, in view of the above, respondents are directed to decide the applications/representations of the petitioner made form time to time within a period of three months form the date of presentation of the certified copy of this order.

8. Liberty is given to the petitioner to represent the matter before the authority concerned, which may be filed within a period of three weeks form the filing of the certified copy of the order.

9. Subject to aforesaid, writ petition is disposed of.

(Rajesh Tandon, J.)

07.08.2006
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